

Serial No.: 10/091,266
Internal Docket No.: PF010020

REMARKS

Claims 1, 2 and 7-14 are pending. Claims 1, 2 and 7-14 stand rejected. Claims 1, 8 and 11 are independent claims.

Claim Amendments

Applicant amends claims 2 and 8 herein to clarify the claimed invention. With regard to claim 2, it is clear that the reference to "the step of causing the client device to request initiation" finds antecedent basis in the last line of claim 1. With regard to claim 8, one skilled in the art would recognize, in view of the specification and claims, that A/V refers to audio/video.

These claim amendments should be entered since they only clarify the matter already present and do not add new matter.

Claim Rejections

Claims 2 and 8 are rejected under 35 U.S.C. 112 as being indefinite. In view of the above clarifications to claims 2 and 8, it is respectfully requested this rejection be withdrawn.

Claims 1, 2, 7-9, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins et al. (U.S. 6,587,480, hereinafter Higgins) in view of Lym et al. (U.S. 6,631,435, hereinafter Lym).

Claims 1, 7, 8, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Higgins.

Applicant's claim 1 includes: causing the client device to specify a starting point, within said file, from which the transfer is to be carried out; and causing the client device to request initiation of the file transfer from the starting point.

With regard to the rejection under 102(e), it is admitted on page 3 of the Office Action that Higgins fails to teach causing the client device to specify a starting point within the file from which the transfer is to be carried out. In fact Higgins only describes the first isochronous device

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requesting the second device to initiate the transfer of data. There is no description anywhere in Higgins of the first device specifying a starting point in the file for the file transfer. Independent claims 8 and 11 likewise include at least either of the client device specifying the starting point (claim 8) or the request specifying the starting point (claim 11).

To anticipate a claim, a reference must teach each and every feature recited by the claim. Because Higgins fails to teach at least the above mentioned features described in the independent claims, as admitted in the Office Action, the 102(e) rejection should be withdrawn.

With regard to the 103(a) rejection of claim 1, the Office Action point to Lym to teach the features lacking in Higgins. It is argued in the Office Action that Lym col. 18, lines 24-43 and col. 44, lines 55-67 describe the claimed features of causing the client device to specify a starting point, within said file, and from which the transfer is to be carried out.

However a review of Lym, and particularly the sections cited in the Office Action, discloses only that an API 20 will manage the flow of data from the bus structure to the buffers. There is no description of the API specifying a starting point in the file from which the transfer is to be carried out. In Lym the buffers alternate between filling with data and the video monitor processing from a filled buffer. This is different from and does not even suggest specifying a starting point in a file to be transferred. In applicant's claims, it is either the request specifying the starting point or the client device specifying the starting point, neither of which is described in Lym.

In addition col. 44, lines 55-67 of Lym describes that, by utilizing the isochronous API, an application begins a point-to-point transmission on an output plug, by transmitting a request to the isochronous API to begin a point-to-point transmission. There is no teaching or suggestion in the cited portions that the API includes a starting point within or in the file.

Applicant respectfully submits the cited sections of Lym do not disclose specifying a starting point within a file. There is no pointer or indication in the text that would possibly lead a person of ordinary skill in the art to the claimed feature of: "causing a client device to specify a starting point, within a file, and from which the transfer is to be carried out."

Independent claims 8 and 11 likewise include at least, either of, the client device specifying the starting point (claim 8) or the request specifying the starting point (claim 11); therefore, the combination of Higgins and Lym fail to teach or suggest applicant's claimed features in each of the independent claims. It is respectfully submitted that combination of references does not render the independent claims obvious and the rejection should be withdrawn.

With regard to claim 7, the Office Action points to Higgins col. 15, lines 31-48 to describe the claimed features. However there is no description that the starting point is specified in the request. This section of Higgins only describes: the first isochronous device requesting the second device to initiate the transfer of data.

For at least the foregoing reasons, it is respectfully requested the rejection be withdrawn because the combination of cited references fails to teach or suggest all the features of claim 7.

Dependent claims 2, 9 and 14 include at least the distinguishing features of the respective base claim and are likewise allowable for at least the above reasons.

Claims 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins in view of Lym and further in view of Katz et al.

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Katz et al. fails to teach the above limitations missing from the combination of Higgins and Lym; therefore, the dependent claims 10, 12 and 13 should be allowed for at least the reason of their dependence upon an allowable base claim.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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